

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FILED/REC'D

Marion-robert
c/o 726 E Highway 12 #102
Hudson, WI 54016

2023 JAN 11 P 12:02

CLERK OF COURT
U.S. DISTRICT COURT
WD OF WI

Case Number:

vs

____22-CV-657 JDP____

Darel Hall
372 185th Street
Osceola, WI 54020

RESPONSE TO DEFENDANTS' MOTION TO DISMISS

Defendant Darel Hall's Motion to Dismiss, dated December 21, 2022, for lack of subject matter jurisdiction and failure to state a claim, fails, and should be denied for the following reasons:

1. The defendant, Hall, states that "Plaintiff and Hall are both residents of Wisconsin".

That is an incorrect presumption. I, Marion, am not a "resident" of Wisconsin. My domicile is on Tennessee, traveling and working between Minnesota, Wisconsin, Illinois, and Georgia. I do not own any property or real estate in the State of Wisconsin. I, Marion, receive all mail while in Wisconsin, at a business address in Hudson, WI. Therefore, the complaint of subject matter jurisdiction under Rule 12(b)(1) does not apply.

2. Furthermore, Hall states that "the Plaintiff has made no allegation regarding the amount in controversy." This complaint is a request for a summary judgement for a claim previously presented, verified, and tacitly agreed to with to the defendant in the amount of \$100,000. Therefore, diversity jurisdiction under 28 U.S.C. 1332 applies.

All the essential facts in the initial complaint have been provided pursuant to the direction of the Federal District Court. The Federal District Court "Guide to Filing" Page 2(B) explicitly outlines details requested for the initial "Complaint".

3. The remaining objections in the Defendants' Motion are outside of the scope of the initial "Complaint". The brief will contain all necessary facts and evidence for this court to make a Summary Judgement.

CONCLUSION

Therefore, I, Marion-robert, move this court to deny Defendant Halls' Motion to Dismiss. Affiant is requesting a Summary Judgement of the invoiced amount, based on the tacit agreement with Defendant Hall.

Dated 1/10/2022

Respectfully Submitted,



Marion-Robert

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cc: Darel Hall, via, Lind, Jensen, Sullivan & Peterson